

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE THE APPLICATION OF ) O'ROURKE, Thomas  
SERIAL NO.: ) 10/741,516  
FILED: ) December 19, 2003  
FOR: ) Network Based Client-Server Communications  
CUSTOMER NUMBER ) 23644  
CONFIRMATION NO. ) 4435  
ART UNIT: ) 2165  
EXAMINER: ) HICKS, Michael J.  
ATTORNEY DOCKET NO. ) 920673-95339

**RESPONSE TO OFFICE ACTION DATED MARCH 17, 2009**

Honorable Director of Patents and Trademarks  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir,

This response is being filed in view of the Examiner's further Office Action of March 17, 2009. No amendments are being offered, as no amendments are believed to be appropriate.

**Claim rejections 35 USC § 102**

The Examiner has rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Putman Published Application US 2008/0086564. Reconsideration is requested.

Applicants respectfully submit that the Examiner has taken an incorrect interpretation of the disclosure of Putman.

One of the key features of the claims of the present application is that a dedicated communications channel is not needed between the client and the server. This allows a conservation of resources in the system, as communications channels are established as and when they are needed by the system.

Accordingly, claim 1 recites the feature "...without maintaining a dedicated communications channel between the client and the server...". To this end, the client is operable to interact with the "application control commands" - step (b) - to control procedures

at the server - step (a) (such procedures may include unsolicited event notifications). In addition, the client is operable to receive instructions over the network, which can be used to establish an application or service at the client - step (c) - which is responsive to notification commands received over the data network from the server - step (d) - to generate notifications at the client side application.

In both cases, i.e. (i) the server-side application operable to receive control commands from a client and (ii) the client-side application operable to receive notification generation commands from the server, the commands are issued independently of each other, and without maintaining a dedicated communications channel between the client and the server.

Merriam-Webster On-line Dictionary ([www.merriam-webster.com](http://www.merriam-webster.com)) defines “asynchronous” as:

“1 : not synchronous  
2 : of, used in, or being digital communication (as between computers) in which there is no timing requirement for transmission and in which the start of each character is individually signaled by the transmitting device”

Accordingly, an asynchronous system or service, as described in the Putman disclosure, simply refers to a service the timing of which is independent of other systems or services. However, such systems or services still need to be provided over a communications channel between an appropriate client and server.

In telecommunications, an “asynchronous” signal, as with a “synchronous” signal, is provided in a dedicated communications channel. Often, both synchronous and asynchronous signals will be provided within the same channel – the distinction between the two is based on the lack of timing dependency of the asynchronous signal.

As Putman is silent regarding not maintaining a dedicated communications channel between the client and server, it is respectfully submitted that the use of the term “asynchronous” in Putman means that a dedicated channel is indeed used between the client and server systems, but that there is no timing relation between the operation of the services.

There is no teaching or suggestion in Putman that separate, undedicated communications channels can be established to allow for client remote access of a server-side

application, or to allow for server remote notification of events at a client-side notification service.

Another way of viewing the distinction is that the use of "asynchronous" within Putman refers to normal inter process/client server communication where requests are completed asynchronously i.e. notification that the request is completed will arrive independent of the main request (but still within the same communications channel). In contrast, the claims of the present application refer to what can be termed "unsolicited" eventing, which relates to notifications of actions which were not initiated by the client (and which do not require dedicated communications channels to operate).

This distinction between the system of Putman and the system of the present invention is important and reinforced by the wording of the present claims, as while the commands of the present invention could be thought of as being "asynchronous" to one another if they were in the same channel, instead they are referred to as "independently" issuing, as they do not utilize a dedicated channel between the server and the client.

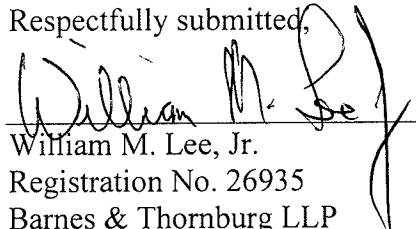
In view of the arguments made herein, the applicants respectfully request the examiner withdraw the rejections, and allow the application.

As this response is being submitted in the sixth month following the Examiner's Office Action, an appropriate Petition for Extension of Time is also submitted herewith.

Further action by the Examiner is therefore awaited.

September 17, 2009

Respectfully submitted,

  
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